



Legislation Relating to State Library Agencies

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LEGISLATION RELATING TO state libraries is usually an after-the-function development. It is the result of a function or action desired or expected to be performed by the state library agency rather than the creator of the function. A report on such legislation is in reality a discussion of agency functions; to determine the trend of legislation, or even to predict it, one needs only to note the existing and emerging functions of the states' library agencies.

What is a "state library"? What is the role of library service at the state level? Has anything new been added? There is near unanimous agreement among library practitioners, government officials, and students of government, both in practice and in theory, as to what library services the states should provide. However, in determining what agencies of the state should be responsible for these functions, considerable differences of practice and opinion exist. Where is the "state library" in the structure of state government? Where should it be?

In previous writings on state libraries,¹ we noted that most of the older agencies came into being primarily to meet the needs of their state governments by providing information service to the governor, legislators, and other state officials—one of the few library functions common to all of the states today. Until late in the nineteenth century state governments had little concern for the development of library service other than for their own housekeeping needs. It is only in the past thirty some years that other major functions which now comprise the role of a state library agency attained acceptance.

In 1950 the National Association of State Libraries enumerated the library activities of the states and the agencies which performed them.² This report listed five library functions provided by the states with few exceptions. These functions were general library service to public and state officials, extension service, historical and archival service, legislative reference and law library service. In 1956, using the above findings

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as a base, the association attempted to define the role of a state library.⁸ Holding that the state library is the focal point of state-wide library services, it described the generally recognized components of an integrated state library agency as: general library service, archives, extension, government publications, law, legislative reference, state history, and special library services.

In 1960 the American Library Association, with funds provided by the Carnegie Corporation, initiated a survey of state libraries,⁴ and on the basis of this survey issued *Standards for Library Functions at the State Level*,⁵ which contained some sixty-two "should do's" for state library agencies. Although the standards ranged from what a state library is, through where it should be, to how it should operate, the functions basically were those enumerated above by the National Association of State Libraries.

In its annual collection of state appropriations for state library agencies, the American Library Association lists fourteen activities and indicates which activities are performed by each state: 1) general library service, 2) genealogy and history, 3) archives and record management, 4) legislative reference, 5) law library, 6) federal document depository, 7) state document depository, 8) library extension, 9) service to the blind and physically handicapped, 10) service to correctional and custodial institutions, 11) service to local schools, 12) processing for local libraries, 13) newsletter, and 14) publications.⁶ Again, these fourteen specific activities are merely a pinpointing or stretching-out of the broad functions originally defined in 1956 by the National Association of State Libraries.

If there has been no change in the functions of state library agencies in recent years one would expect legislation which primarily aims for greater efficiency in performing or accomplishing these functions, legislation that permits states which had not been providing certain of these services to do so.

In 1967 Arkansas, Connecticut, Indiana, Minnesota, Montana, North Carolina and Oklahoma authorized interstate library compacts. As with the other sixteen states which have such authority, the purpose is more of the same—to enable states together to do better those functions which they are already authorized to do separately. As of this writing, no compact programs have been activated, although several have been proposed. Perhaps significant as a trend has been legislation approved by the states which concerns the various aspects of the state agency's extension or library development function—cooperation and coordina-

tion of types of library services among the following library units: school, public, academic, special, networks, and systems. Because McClarren, in this issue, deals with these specific subjects, we shall note them but not detail them here.

New York State probably is best recognized among the states for enacting such legislation several years after the presentation in 1947 of its state plan for library development.⁷ However, while it did not use the word "system," Ohio's state-wide study and legislation enacted in 1947, was a development plan providing library service for all residents based on county and regional systems.⁸ Likewise, the Michigan State Board for Libraries proposed a plan for regional and county libraries as early as 1943.⁹

With the advent of the Library Services Act in 1957, other states began to follow the pattern of a state-wide survey, and subsequent development of a plan. Notable among these were Pennsylvania in 1958, California in 1962, Illinois in 1963, and New Jersey in 1964, notable because subsequent legislation put the plans into action. This trend has continued through 1969, perhaps not at the accelerated rate of the 1950s and early 1960s. In 1967 Indiana, Oklahoma, Minnesota and South Dakota approved some form of public library system legislation;¹⁰ Kansas enacted library system legislation in 1968.¹¹ In 1969 Texas passed a library systems act,¹² and Ohio passed a library development plan authorizing area library systems organizations.¹³

State aid or grants-in-aid, a major component of the extension function, is a perennial subject of legislation relating to state library agencies because each state's library groups seek legislation increasing amounts and establishing or revising formulas of distribution. The state agency is usually the budgeting, certifying, and distributing agency for the state funds with its authority and responsibility ranging from mere checkwriting to planning, allocating, and approving grants, depending on the formula established by legislation. A critical analysis of such state aid formulas is provided by Blasingame in this issue.

Beyond "systems" and "state aid" other functions of state agencies inconsistently have become subjects of legislation varying in importance. Nevada in 1965¹⁴ and Oklahoma in 1963¹⁵ succeeded in establishing state library councils. The significance of such legislation is that it presents a somewhat different approach to state-wide planning and coordination of library services than state agencies have used, if they have used any. Not to be confused with the typical advisory board, council, or committee appointed to advise an administrative

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agency, these councils, cloaked with state-wide assignments, were the forerunners, if not the impetus, to the establishment of the National Advisory Commission on Libraries created in 1966, from which the library world has great expectations.

Emphasis on training of personnel, one aspect of the extension function, made possible with the aid of federal funds, has revived legislation authorizing state agencies to provide scholarships and to conduct training and other programs of education or librarianship. Nineteen states have some form of such legislation: Arkansas, Colorado, Connecticut, Florida, Indiana, Kentucky, Louisiana, Maine, Mississippi, Missouri, New Hampshire, Oregon, Pennsylvania, Tennessee, Texas, Utah, Vermont, West Virginia, and Wisconsin.

In 1967 Connecticut¹⁶ authorized its state agency to establish "recommended" standards for principal public libraries and in 1969, extended the authorization to the application of such standards. This has some significance in its implication of enforcement of standards, but typically fails to provide for enforcement. State legislation in this area tends to defeat itself. With some exceptions library standards are permissive standards, urging a certain level of performance (the library should do this, or should have so much) but a library is free to meet them or not without penalty or reward. At the state level, agencies have the potential to insure that the standards are met in the distribution of federal and state grants, but they approach this potential by indirection. Because legislation seldom provides for enforcement through penalty, the agency must resort to enforcement by "regulations" or other implied powers.

Management of records of a state's agencies—the scheduling for retention or destruction of all records generated by agencies in the performance of their functions—has developed in many states in the past fifteen years. Infrequently, this responsibility has been directly or indirectly assigned to the library agency, but such practice is the exception rather than the rule. In 1967 Connecticut established a Department of Archives and Records Administration in the state library, with the library functioning as the executive agency for records management and storage.¹⁷ The American Library Association lists sixteen state library agencies reporting an archives and records management function,¹⁸ but since the two functions are not separated, undoubtedly a number of the sixteen are concerned only with archives.

State library agencies as a rule serve as the central depository agency for publications of the various agencies of each state and have at-

tempted to perfect some method of distributing copies of these to other libraries in the state. In 1966-67 five states ¹⁹ enacted legislation establishing such programs: Florida, Mississippi, Montana, New Mexico, and Oklahoma.

If one were to foresee the next shift in emphasis of state library functions, with enabling legislation, it could be in the area of direct service to the public. We noted and analyzed this potential trend in 1961.²⁰ Blasingame's survey of West Virginia recommended the state provide direct service to residents of certain areas of the state.²¹ In 1969 Greenaway, proposing a restructuring of the public library to solve its financial and service area problems, recommended that except for metropolitan public libraries "all other public libraries, whether rural, suburban, county, or urban, . . . [should] organize into a state system of libraries—financed, administered, and operated on a state-wide basis."²² This is direct service by the state. Should library and other public officials give any degree of acceptance to this function, legislation authorizing the function may be expected.

Where is the state library agency (or agencies) in the structure of state government? Where should it be for optimum service or fulfillment of the state's responsibility? In-practice efforts to find the answer to these questions have produced a variety of patterns with little uniformity among the states. In-theory (logic) efforts to find answers have produced frequent legislative changes but the net result has been more of the same. Because functions for library services at the state level are performed in many states by more than one agency, information gathering and evaluation or measurement of the functions usually are pegged to that agency which includes public library extension service as one function. In turn this agency may perform or claim to perform other library functions also performed by other agencies of its state. This makes it difficult if not impossible to get true or proper perspective of the alignment of library services in the states as a group for the purpose of noting patterns or trends.

Four states—Hawaii, New Jersey, Pennsylvania, and Wisconsin—could lay claim that all functions for library services at the state level are integrated in one agency. In these four states the agency is organized as a unit of the department of education. Almost complete integration occurs in California, Connecticut, Maine, Michigan, New Hampshire, New York, Oklahoma, Oregon, and Tennessee. In four of these states the agency is in the department of education. With the exception of these thirteen states an extremely wide dispersal or decen-

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tralization of library functions among state agencies is evident, with individuality of the state apparently the only explanation for it.

Using the agency that provides the extension function as the basis for tabulation and comparison, the most common pattern of organization is an independent commission or board. Twenty-eight states use this form. In fourteen states, the agency is the department of education or a unit of it. In six states the agency is in the executive branch of government as an independent unit, but without a commission or board, providing direct control by the governor. In two states the agency is the secretary (department) of state's office. (In two other states, the secretary of state has the title of state librarian, but the office functions only as the librarian-custodian of materials of the state.)

Legislation of recent years relating to the form of organization is either insufficient to indicate a trend or is a contradiction. In 1964 Rhode Island transferred its extension function from the secretary of state's office to a unit in the executive branch of government, while in 1969 Florida transferred its library functions to a unit in the department of state. Michigan and Wisconsin reorganized their former independent units placing them in the department of education. In 1965 Connecticut removed the extension function from the department of education, merging it with the state library. Kansas passed legislation in 1963 combining the library commission and the state library. In 1969 Vermont sought merger legislation, but failing, has by agreement combined the administration of the state library and the library commission hoping to confirm the "merger" with subsequent legislation.

Critical evaluation of the effect of the form of organization on the quality of service of an agency is not valid because of the great number of variable factors to be found in each state.

In 1956 the National Association of State Libraries recommended that for the best performance of the library function, the agency should be organized as a separate unit of government with a governing board composed of interested citizens.²⁸ More than half of the states use this form. There is no evidence in the literature of the subject to contradict the recommendation. Personal evaluation indicates all four forms have examples of state agencies recognized nationwide for their accomplishments. Factors more important than the form of organization may include the agency's ability to recruit and retain able personnel, freedom from political change of personnel, freedom for the agency to plan and execute a course of action, and adequate funds for such programs. Whatever form of organization that provides such conditions

would seem to be satisfactory. All existing forms have some inadequacies when measured against these factors. The independent commission tends to be a relatively small unit of government which permits complete concentration on its library programs with considerable freedom to activate them, and assures continuity of personnel. Its smallness and perhaps its independence lessen its ability to convince those who provide the funds that it is part of the educational establishment, and this results in inadequate financial support.

In contrast, a department of education is better qualified to provide a library unit with adequate funds if it wishes, but the unit's freedom of action may be subordinated to other educational goals of the department. Where the commissioner of education is a cabinet officer or appointee of the governor, continuity of personnel also may be subject to interruption. Where the unit is administered by or in the department of an elected official such as the governor or secretary of state, uncertainties of personnel at each election may make it difficult to attract outstanding personnel.

Integration of library services in one agency of the state, lacking in so many states, could be a major step in the strengthening of state agencies. Although existing institutions and traditions are formidable obstacles, future state legislation toward this goal may be expected.

At least the placing of the extension function with that agency of the state which has the greatest collection of library materials merits consideration. Grants-in-aid, advisory service, interloans, supplementary loans, reference work and library development are so interrelated, that divided, the state reduces its ability to coordinate library services. The federal library organization provides an example. The Library of Congress has the great collection of materials which it efficiently uses to supplement the public, academic and school library needs of the states and communities; yet grants-in-aid for the same purposes are administered by the Health, Education and Welfare Department. Organization of the Library of Congress as a unit of the legislative branch of government is unique among libraries, providing certain advantages for the library which permitted it, perhaps forced it, to become the great institution it is. No state has sought to place its library agency in the same branch of government. Library leaders in the various states might well consider the feasibility of such a form of organization.

In summary, functions and form are the basis of past and present legislation relating to state libraries, and predictably will be for the future. When considering functions of state library agencies such legis-

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lation adds to or revises but seldom drops any, indicating an assuredness that the functions are proper; however when considering the form of organization, legislation shifts the functions from one unit of government to another and back again, indicating uncertainty as to which is most effective.

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